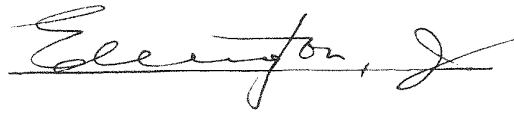


No. 60728-6-I, State v. Durrett

ELLINGTON, J. (Dissenting) — I concur in all aspects of the opinion save one: I respectfully dissent from the remand for resentencing as unnecessary. I adhere to the views expressed in State v. Sloan, 121 Wn. App. 220, 87 P.3d 1214 (2004) and State v. Hagler, No. 61107-1-I (Wash. May 26, 2009).

A handwritten signature in cursive script, reading "Ellington, J.", written over a horizontal line.